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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 MICHAEL MONTGOMERY,

11 Plaintiff,

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13 vs.

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15 WAL-MART STORES, INC.;
16 KINDERHOOK INDUSTRIES II,
17 L.P.; KINDERHOOK INDUSTRIES,
18 L.L.C.; KINDERHOOK CAPITAL
19 FUND II, L.P.; CRESTWOOD
20 HOLDINGS, INC.; BERGAN, L.L.C.;
21 JOHN ELMBURG; ROBERT
22 ELMBURG; ERIC ELMBURG;
23 ROCKY FLICK; HOME DEPOT
24 U.S.A., INC.; AND DOES 1
25 THROUGH 20, INCLUSIVE,

26 Defendants.

CASE NO. 12CV3057 JLS (DHB)

**ORDER (1) GRANTING JOINT
MOTION TO SUSPEND ALL CASE
ACTIVITY AS TO WAL-MART
PENDING FINALIZATION OF
SETTLEMENT; AND (2)
GRANTING JOINT MOTION TO
SUSPEND ALL CASE ACTIVITY
AS TO DEFENDANT HOME
DEPOT U.S.A., INC. PENDING
POTENTIAL SETTLEMENT AND
RESOLUTION OF ACTION**

(ECF No. 47, 48)

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28 Presently before the Court is Plaintiff Michael Montgomery (“Plaintiff”) and Defendant Wal-Mart Stores, Inc.’s (“Wal-Mart”) Joint Motion to Suspend All Case Activity as to Wal-Mart Pending Finalization of Settlement. (ECF No. 47). Good cause appearing, the Court **GRANTS** the motion. All activity in this matter is temporarily suspended as to Wal-Mart to enable the parties to conclude resolution of these cases by seeking the Bankruptcy Court’s approval of the terms and conditions of

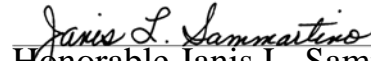
1 the Settlement.

2 Also before the Court is Defendant Home Depot U.S.A., Inc. (“Home Depot”)
3 and Plaintiff’s Joint Motion to Suspend All Case Activity as to Home Depot Pending
4 Potential Settlement and Resolution of Action. (ECF No. 48). Good cause appearing,
5 the Court **GRANTS** the motion. All activity in this matter is temporarily suspended as
6 to Defendant Home Depot.

7 In addition, the Court **HEREBY ORDERS** Plaintiffs, along with Defendants
8 Wal-Mart and Home Depot, to appear for a status hearing regarding this matter on
9 Thursday, June 6, 2013 at 1:30 p.m.

10 **IT IS SO ORDERED.**

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12 DATED: March 29, 2013

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14 Honorable Janis L. Sammartino
15 United States District Judge
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